

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EDGAR M. COLLINS,

Plaintiff,

No. CIV-S-04-2243 LKK KJM P

vs.

U.S. DISTRICT COURT,

Defendant.

ORDER

Plaintiff is a state prisoner proceeding pro se. Plaintiff has filed two documents alleging violations of his civil rights resulting from the conditions of his confinement. Both documents were filed on forms used by California State Courts, including one form for use in filing a petition for writ of habeas corpus. Good cause appearing, the court will send plaintiff a copy of the court's form-complaint for violations of civil rights alleged by prisoners and plaintiff will be granted thirty days within which to file a complaint under 42 U.S.C. § 1983.

The court also will send plaintiff an application to proceed in forma pauperis as plaintiff has neither filed a request to proceed in forma pauperis nor paid the \$150.00 filing fee in effect at the time of the filing of his action. See 28 U.S.C. §§ 1914(a), 1915(a). Plaintiff will be provided the opportunity either to submit the appropriate affidavit in support of a request to proceed in forma pauperis or to submit the appropriate filing fee.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's "complaint" and "petition for writ of habeas corpus" are dismissed.

2. Plaintiff is granted thirty days within which to file a complaint under 42 U.S.C.

§ 1983. Plaintiff shall also submit, within thirty days, an application to proceed in forma pauperis on the form provided by the Clerk of Court, or the \$150.00 filing fee. Plaintiff's failure to comply with this order will result in a recommendation that this action be dismissed.

4 The Clerk of the Court is directed to send petitioner the court's form-complaint for violations of civil rights alleged by prisoners and an application to proceed in forma pauperis.

DATED: May 13, 2005.


UNITED STATES MAGISTRATE JUDGE